

FAS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gilberto GONZALEZ-Aguilar,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

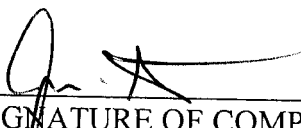
Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

DEPUTY

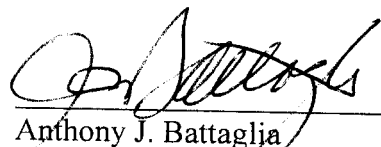
The undersigned complainant, being duly sworn, states:

On or about **May 16, 2008** within the Southern District of California, defendant, **Gilberto GONZALEZ-Aguilar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF MAY 2008.

  
\_\_\_\_\_  
Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

Gilberto GONZALEZ-Aguilar

**PROBABLE CAUSE STATEMENT**

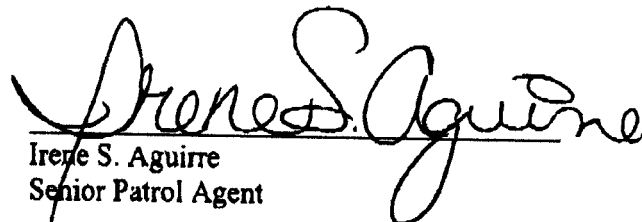
I declare under the penalty of perjury that the following statement is true and correct:

On May 16, 2008, at approximately 4:50 A.M., Senior Patrol Agent Rodriguez was performing line watch duties near an area known as the Swamp. The Swamp is approximately one and one half miles east of the San Ysidro, California, Port of Entry and is approximately two-hundred yards north of the United States / Mexico International Boundary Fence. The Swamp is an area notoriously used by undocumented aliens attempting to further their illegal entry into the United States. Border Patrol radio dispatch advised the activation of a seismic intrusion device in the immediate area of The Swamp. At this point, RVSS advised via service radio that there was an individual on the south east side of The Swamp. Upon his arrival, the subject began moving north and after a short foot pursuit guided by RVSS, Agent Rodriguez apprehended the subject later identified as the defendant **Gilberto GONZALEZ-Aguilar** as Agent Rodriguez approached the defendant and identified himself as a Border Patrol Agent and proceeded to question him as to his country of citizenship and nationality. The defendant freely admitted to being citizen and national of Mexico and that he possessed no immigration documentation permitting him to enter or remain in the United States legally. Agent Rodriguez arrested the defendant and arranged for him to be transported to the Imperial Beach Border Patrol Station for processing.

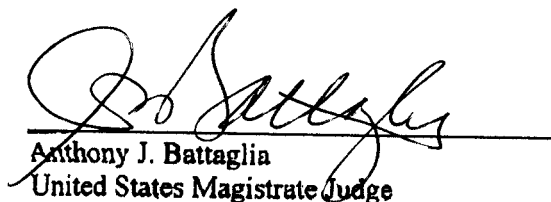
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on January 04, 1991 through San Diego, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and that he was willing to answer questions without an attorney present. The defendant again freely admitted to being a citizen and national of Mexico and that he possessed no immigration documentation permitting him to enter or remain in the United States legally.

Executed on May 17, 2008 at 10:00 a.m.

  
Irene S. Aguirre  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 16, 2008, in violation of Title 8, United States Code, Section 1326.

  
Anthony J. Battaglia  
United States Magistrate Judge

5/17/08 12:05pm  
Date/Time